

Message Text

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ACTION EUR-12

INFO OCT-01 IO-13 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06
ACDA-07 EB-08 DLOS-06 SAL-01 OES-06 TRSE-00 /099 W
-----151904Z 043738 /50

R 151827Z MAR 77
FM AMEMBASSY BONN
TO SECSTATE WASHDC 6509
INFO USMISSION USBERLIN
USMISSION NATO BRUSSELS
USMISSION USUN NEW YORK
AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS

C O N F I D E N T I A L SECTION 01 OF 02 BONN 04624

E.O. 11652: GDS
TAGS: PFOR, PGOV, WB, GE, GW
SUBJECT: GDR STATEMENT ON ACCEDING TO THE CONVENTION
RELATING TO THE UNIFICATION OF CERTAIN RULES CONCERNING
COLLISIONS IN INLAND NAVIGATION

REFS: (A) STATE 14555; (B) BONN 568; (C) USBER 2827
(76); (D) USBER 2495 (76); (E) BONN 19198 (76)

BEGIN SUMMARY: BONN GROUP HAS REACHED AD REF AGREEMENT
ON A REVISED TEXT PROVIDING A MORE DETAILED ALLIED REPLY
TO THE GDR ASSERTION THAT IT IS COMPETENT FOR
WEST BERLIN'S WATERWAYS. ACTION REQUEST: GUIDANCE.
END SUMMARY.

1. IN MARCH 9 MEETING, BONN GROUP RETURNED TO THE
SUBJECT OF THE GDR STATEMENT (REF E) CONCERNING THE FRG
EXTENSION OF THE CONVENTION ON COLLISIONS IN INLAND
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NAVIGATION TO BERLIN AND AGREED AD REF A REVISED ALLIED
RESPONSE.

2. RECONSIDERATION OF THE EARLIER AGREED RESPONSE (REF
B) WAS NECESSITATED BY BOTH BRITISH AND FRENCH OBJECTIONS
TO THE FACT THAT THE REPLY DID NOT DIRECTLY MEET AND
REFUTE THE GDR CLAIM THAT IT IS COMPETENT FOR THE WATER-

WAYS OF WEST BERLIN. THE U.S. REP CONTINUED TO ARGUE THAT WE SHOULD NOT ENGAGE THE GDR IN A SUBSTANTIVE DEBATE, AND LONDON SUBSEQUENTLY WITHDREW ITS PROPOSAL THAT SOME "FLESH" BE ADDED TO THE TEXT (PARA 2D, REF B) WHICH DEALT WITH THE GDR ASSERTION. HOWEVER, PARIS HAS MAINTAINED ITS INSISTENCE THAT THE GDR ASSERTION BE ANSWERED. ON THAT BASIS, THE FOLLOWING TEXT WAS AGREED AD REF:

BEGIN TEXT

A. THE DELEGATIONS OF FRANCE, THE UNITED KINGDOM AND THE UNITED STATES REFER TO THE NOTE OF THE GERMAN DEMOCRATIC REPUBLIC (FULL REFERENCE TO BE SUPPLIED BY UN MISSIONS) AND WISH TO POINT OUT THE FOLLOWING:

B. THE CLAIM OF THE GERMAN DEMOCRATIC REPUBLIC THAT IT IS COMPETENT FOR THE WATERWAYS IN THE WESTERN SECTORS OF BERLIN IS INCORRECT. IN THE EARLY POST-WAR PERIOD IT WAS DECIDED AMONG SECTOR COMMANDANTS THAT GERMAN TECHNICAL AGENCIES SITUATED IN THE EASTERN SECTOR OF BERLIN WOULD EXERCISE LIMITED OPERATIONAL RESPONSIBILITIES IN RESPECT OF SOME OF THE WATERWAYS IN THE WESTERN SECTORS OF BERLIN. THIS ARRANGEMENT IN NO WAY CONFERRED ANY FORM OF SOVEREIGNTY OR JURISDICTION OVER ANY OF THE WATERWAYS, CANALS AND LOCKS LOCATED IN THE WESTERN SECTORS OF BERLIN, AND IT HAS NO BEARING ON THE VALIDITY OF THE EXTENSION TO THE WESTERN SECTORS OF BERLIN BY THE FRG OF THE

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CONVENTION RELATING TO THE UNIFICATION OF CERTAIN RULES CONCERNING COLLISIONS IN INLAND NAVIGATION IN ACCORDANCE WITH ESTABLISHED PROCEDURES.

C. WHEN AUTHORIZING THE EXTENSION OF THIS CONVENTION TO THE WESTERN SECTORS OF BERLIN, THE AUTHORITIES OF THE THREE POWERS, ACTING IN THE EXERCISE OF THEIR SUPREME AUTHORITY, ENSURED IN ACCORDANCE WITH ESTABLISHED PROCEDURES THAT THIS CONVENTION IS APPLIED IN THE WESTERN SECTORS OF BERLIN IN SUCH A WAY AS NOT TO AFFECT MATTERS OF SECURITY AND STATUS. ACCORDINGLY, THE APPLICATION OF THIS CONVENTION TO THE WESTERN SECTORS OF BERLIN CONTINUES IN FULL FORCE AND EFFECT.

D. IT SHOULD, MOREOVER, BE BORNE IN MIND THAT THE GERMAN DEMOCRATIC REPUBLIC IS NOT A PARTY TO THE WARTIME AND POST-WAR FOUR POWER AGREEMENTS ON GERMANY AND BERLIN NOR TO THE QUADRIPARTITE AGREEMENT WHICH WAS CONCLUDED

IN BERLIN ON 3 SEPTEMBER 1971 BY THE GOVERNMENTS OF THE
FRENCH REPUBLIC, THE UNION OF SOVIET SOCIALIST REPUBLICS,

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C O N F I D E N T I A L SECTION 02 OF 02 BONN 04624

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,
AND THE UNITED STATES OF AMERICA. THE GDR IS NOT,
THEREFORE, COMPETENT TO COMMENT AUTHORITATIVELY ON THOSE
AGREEMENTS.

E. THE GOVERNMENTS OF FRANCE, THE UNITED KINGDOM
AND THE UNITED STATES DO NOT CONSIDER IT NECESSARY TO
RESPOND TO ANY FURTHER COMMUNICATIONS OF A SIMILAR
NATURE BY STATES WHICH ARE NOT SIGNATORIES TO THE
QUADRIPARTITE AGREEMENT OR PARTIES TO THE OTHER RELEVANT
FOUR POWER AGREEMENTS. THIS SHOULD NOT BE TAKEN TO
IMPLY ANY CHANGE IN THE POSITION OF THOSE GOVERNMENTS IN
THIS MATTER.

F. COMPLIMENTARY CLOSE TO BE SUPPLIED BY UN
MISSIONS.
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END TEXT.

3. IN DRAFTING THE TEXT, BONN GROUP WAS WELL AWARE OF THE USUAL DILEMMA BETWEEN AVOIDING A SUBSTANTIVE DIALOGUE WITH THE GDR ON A FOUR-POWER MATTER ON THE ONE HAND AND OUR RELUCTANCE TO PERMIT PATENTLY FALSE GDR CLAIMS TO STAND ON THE RECORD WITHOUT REFUTATION ON THE OTHER HAND. WITH THAT IN MIND, WE HAVE TWO CHOICES:

-- PUSH FOR ACCEPTANCE OF THE "SHORT ANSWER" VERSION (REF B AS APPROVED IN REF A) IN THE FACE OF FRENCH OBJECTIONS WITH THE KNOWLEDGE THAT ITS BRIEF REPLY TO THE GDR CLAIM MAY HAVE A SLIGHTLY DISENGENUOUS RING TO THE UNINITIATED AND DOES NOT SYSTEMATICALLY REFUTE THE GDR CLAIM OR

-- ACCEPT THE "LONG ANSWER" IN PARA 2 ABOVE WITH THE KNOWLEDGE THAT IT BLUNTS THE GDR ASSERTION BUT ALSO TO A DEGREE ENGAGES IN A DIALOGUE WITH THE GDR.

4. ACTION REQUESTED: GUIDANCE.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TREATY RATIFICATION, MARITIME LAW, AGREEMENTS, INLAND WATERWAY TRANSPORTATION, SHIP ACCIDENTS, BERLIN QUADRIpartite MATTERS, DIPLOMATIC PROTESTS, FOREIGN POLICY POSITION
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Disposition Approved on Date:
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Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
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Disposition History: n/a
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